



General Assembly

February Session, 2006

Raised Bill No. 5813

LCO No. 3137

03137_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING VICTIMS OF CRIME.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-240l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Secretary of the State shall be a program participant's agent
4 upon whom any summons, writ, notice, demand or process in any
5 action, proceeding or other matter involving the program participant
6 shall be served.

7 (b) The Secretary of the State shall notify authorized personnel of
8 the State Marshal Commission of the names of program participants
9 for the purpose of the creation of a list to be used by state marshals to
10 determine if a person upon whom process is to be served is a program
11 participant. If a person is identified on the list as a program
12 participant, a state marshal shall make service upon the Secretary of
13 the State in accordance with subsection (c) of this section. Prior to
14 making service, a state marshal may verify the participation of a
15 specific program participant as provided in subdivision (3) of
16 subsection (a) of section 54-240m.

17 [(b)] (c) A program participant may be served by any proper officer
18 or other person lawfully empowered to make service by leaving two
19 true and attested copies of such summons, writ, notice, demand or
20 process, together with the required fee, at the office of the Secretary of
21 the State or depositing the same in the United States mail, by
22 registered or certified mail, postage prepaid, addressed to the
23 Secretary of the State's office and marked "Address Confidentiality
24 Program". The Secretary of the State shall file one copy of the
25 summons, writ, notice, demand or process and keep a record of the
26 date and hour of receipt. The Secretary of the State shall, not later than
27 two business days after such service, forward by registered or certified
28 mail the copy of such summons, writ, notice, demand or process to the
29 program participant at the confidential address shown on the records
30 of the Secretary of the State.

31 [(c)] (d) Service is effective pursuant to this section as of the date
32 and hour received by the Secretary of the State as shown on the
33 records of the Secretary of the State.

34 Sec. 2. (NEW) (*Effective from passage*) (a) A pro se litigant who has
35 been convicted of a family violence crime, as defined in section 46b-38a
36 of the general statutes, or a violation of section 53-21, 53a-70, 53a-70a,
37 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-
38 181e of the general statutes shall not issue a subpoena summoning a
39 victim of the crime for which such litigant was convicted to appear and
40 testify in any civil matter including a habeas corpus proceeding, unless
41 a court authorizes the issuance of such subpoena in accordance with
42 subsection (b) of this section.

43 (b) Whenever such pro se litigant intends to issue a subpoena to any
44 such victim, such litigant shall provide the clerk of the court with
45 notice of such intention. Upon receipt of such notice, the clerk of the
46 court shall schedule a hearing and provide notice to the pro se litigant
47 of the date, time and place of such hearing. At such hearing, the pro se
48 litigant shall make an offer of proof as to the content or purport of the

49 testimony expected to be given by the victim. If the court finds that the
50 testimony expected to be given by the victim is relevant and necessary
51 to the civil matter, the court shall authorize the pro se litigant to issue
52 such subpoena to such victim. The scope of such litigant's examination
53 of the victim shall be limited in accordance with the court's findings on
54 the offer of proof.

55 Sec. 3. (NEW) (*Effective from passage*) (a) A pro se litigant who has
56 been convicted of a family violence crime, as defined in section 46b-38a
57 of the general statutes, or a violation of section 53-21, 53a-70, 53a-70a,
58 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-
59 181e of the general statutes shall not take the testimony of any victim
60 of the crime for which such litigant was convicted by deposition for
61 use in any civil matter including a habeas corpus proceeding unless
62 the court authorizes the taking of such testimony in accordance with
63 subsection (b) of this section.

64 (b) Whenever such pro se litigant intends to take the testimony of
65 any such victim by deposition, such litigant shall provide the clerk of
66 the court with notice of such intention. Upon receipt of such notice, the
67 clerk shall schedule a hearing and provide notice to the pro se litigant
68 of the date, time and place of such hearing. At such hearing, the pro se
69 litigant shall present to the court the questions such litigant intends to
70 ask the victim at the deposition. If the court finds that any of the
71 questions are likely to produce testimony that is relevant and
72 necessary to the matter, it shall authorize the pro se litigant to take the
73 testimony of the victim by deposition but shall limit the questions that
74 such litigant may ask the victim to those found likely to produce
75 relevant and necessary testimony.

76 Sec. 4. (*Effective from passage*) (a) There is established a task force to
77 review existing laws and regulations governing the notifications
78 provided to victims of crime by any state agency. The task force shall
79 examine the procedures, processes and technology utilized in other
80 jurisdictions to provide notification to victims of crime.

81 (b) The Chief State's Attorney and the Victim Advocate shall serve
82 as cochairpersons of the task force and shall appoint other members as
83 they deem necessary.

84 (c) The task force shall report its findings and recommendations to
85 the joint standing committees of the General Assembly on the judiciary
86 and appropriations in accordance with section 11-4a of the general
87 statutes not later January 3, 2007.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-240l
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Purpose:

To assist state marshals in serving process upon participants in the address confidentiality program, protect victims of crime from harassment through frivolous or vindictive legal actions brought by their assailants and create a task force to examine new technology and other means available to improve notification to crime victims.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]